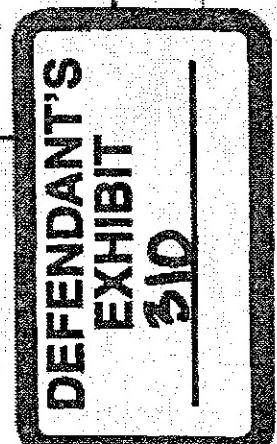


EXHIBIT “5”

EXHIBIT “5”

EEOC Form 5 (11/09)

CHARGE OF DISCRIMINATION		Charge Presented To:	Agency(ies) Charge No(s):
<small>This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.</small>		<input checked="" type="checkbox"/> FEPA	0201-13-0059L
		<input checked="" type="checkbox"/> EEOC	34B-2013-00166
Nevada Equal Rights Commission			
State or local Agency, if any			
Name (Indicate Mr., Ms., Mrs.) Mr. Marc Randazza	Street Address 6525 W. Warm Springs Road Suite 100, Las Vegas, NV 89118	Home Phone (incl. Area Code) (888) 667-1113	Date of Birth 11-26-1969
City, State and ZIP Code			
<small>Named Is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)</small>			
Name EXCELSIOR MEDIA CORPORATION	No. Employees, Members 15 - 100	Phone No. (Include Area Code) (619) 269-1962	
Street Address 7625 S. Dean Martin, Las Vegas, NV 89139	City, State and ZIP Code		
Name	No. Employees, Members	Phone No. (Include Area Code)	
Street Address	City, State and ZIP Code		
DISCRIMINATION BASED ON (Check appropriate box(es).)		DATE(S) DISCRIMINATION TOOK PLACE	
<input type="checkbox"/> RACE <input type="checkbox"/> COLOR <input checked="" type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input checked="" type="checkbox"/> NATIONAL ORIGIN <input checked="" type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> GENETIC INFORMATION <input type="checkbox"/> OTHER (Specify)		Earliest 04-01-2012	Latest 08-30-2012
<small>THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)).</small> <p>The Respondent discriminated against me by harassing me because of my National Origin-Italian. The Respondent also discriminated against me by sexually harassing because of my Gender-Male and my Sexual Orientation-Heterosexual. The Respondent then retaliated against me for complaining about the discriminatory treatment. On August 30, 2012, I was discharged. I filed my complaint with the Nevada Equal Rights Commission on November 14, 2012.</p> <p>From July 1, 2009 until August 30, 2012, the Respondent employed me as General Counsel.</p> <p>Harassment Throughout my employment with the Respondent, CEO Jason Gibson, who runs a gay adult entertainment company, has used derogatory terms to describe me in relation to my Italian heritage. Throughout 2012, and specifically during our weekly, executive committee meetings and on other occasions, Gibson would refer to me as a "guinea," "dago," and "wop," as would other members of the executive team, who would also make </p>			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.	NOTARY - When necessary for State and Local Agency Requirements		
I declare under penalty of perjury that the above is true and correct. <u>Jan 30, 2013</u> <u>Marc R</u> <small>Date</small> <small>Charging Party Signature</small>	<small>I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.</small> <small>SIGNATURE OF COMPLAINANT</small> <small>x</small> <small>SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE</small> <small>(month, day, year)</small> NEVADA EQUAL <small>FEB 01 2013</small> <small>RIGHTS COMMISSION</small>		



CHARGE OF DISCRIMINATION		Charge Presented To:	Agency(ies) Charge No(s):
This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.		<input checked="" type="checkbox"/> FEPA	0201-13-0059L
		<input checked="" type="checkbox"/> EEOC	34B-2013-00166
Nevada Equal Rights Commission		and EEOC	
State or local Agency, if any			
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):			
<p>comments about their view that due to my Italian American heritage, I was prone to dishonesty and likely related to organized crime.</p> <p>He would also accuse me of having ties to organized crime and would state openly that he was unwilling to hire any more "wops." He would also indicate that he did not wish to consider black or female candidates for positions. I told Gibson on several occasions that such comments were offensive and embarrassing to me. I also told him that his comments and behavior were not a good idea, but Gibson did not relent.</p>			
<h4>Sexual Harassment</h4> <p>On or about April 1, 2012, I received a text message from Gibson indicating that he was filming an adult sex scene in my office. In the same text message, he made the comment "your wife's bush is also in the scene," referencing a painting depicting George Bush, my wife had given me to hang in my office. Although I was embarrassed and uncomfortable with the nature of the text message, I initially believed it was sent in jest, as my office was a secure location used to keep confidential information and other legal documents involving the company. However, after arriving at work the following day, it was clear that his text message was not meant as a joke as I discovered my office, to include the desk where I keep my children's photos, had been used to conduct sex acts and other employees made mocking comments about it. Shortly after discovering this violation of my workspace, I complained to Gibson and told him that I was uncomfortable with him filming sex scenes in my workspace. To my surprise, Gibson offered no apology for violating my workspace; instead he made yet another embarrassing comment suggesting that I not be "butthurt" about the incident.</p>			
<h4>Retaliation</h4> <p>Shortly after complaining to Gibson about his inappropriate conduct, he began to retaliate against me by modifying the terms and conditions of my employment. Specifically, he cancelled my family's health insurance policy and attempted to change the percentage amounts I was entitled to receive from settlements, which would have greatly reduced my earnings in that regard. Gibson also refused to honor a 5% annual pay increase I was also entitled to receive, and he began to regularly threaten that the company might not need me anymore.</p>			
<p>I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.</p> <p>I declare under penalty of perjury that the above is true and correct.</p> <p><i>[Signature]</i></p> <p>Jun 30, 2013</p>		<p>NOTARY - When necessary for State and Local Agency Requirements</p> <p>I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.</p> <p>SIGNATURE OF COMPLAINANT</p> <p>X</p> <p>SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)</p>	

Nevada Equal Rights Commission

and EEOC

State or local Agency, if any

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

Sexual Harassment

On August 9, 2012, Gibson insisted that I attend a party with him and other members of the staff. After the event, Gibson directed that I take him and another employee to the airport. I agreed as I viewed this as an opportunity to discuss and resolve our differences. Both Gibson and the employee sat in the back seat of my vehicle, and shortly after leaving the event, Gibson began performing oral sex on the employee. As this was an area where my children often sat, I protested and asked that Gibson stop his actions but I was ignored and dismissed. I believe that this was another attempt at further humiliating and embarrassing me because I am a heterosexual male and because I previously complained about his behavior.

On August 13, 2012, I spoke with Human Resources representative Kirk Addison about all of the previous discriminatory events. Addison offered no relief, and I am confident that his inaction was done out of fear that he too would be retaliated against. In fact, Addison made it clear to me that I was slated for termination, and that I should be prepared for that fact. I also spoke to a shareholder in the company who indicated that Mr. Gibson had begun to take steps to terminate me.

Discharge

On August 30, 2012, I sent an email message to Gibson indicating that our differences regarding unpaid bonuses and other financial interests were making it difficult to represent him, as our ongoing issues could be viewed as a conflict of interest. Gibson sent an immediate response saying, "we accept your resignation" and thanked me for my service. I believe Gibson's choice of words (resignation) was deliberately used to further his retaliation and support his decision deny me unpaid bonuses, and severance package normally given to exiting executive team members.

It is my contention that the Respondent subjected me to embarrassing sexual situations, because I was one of only a few heterosexual male employees. I also believe that I was harassed because of my National Origin, retaliated against for complaining about the discrimination, and discharged in retaliation for complaining about the harassment.

I believe the Respondent's actions violate Title VII of the Civil Rights Act of 1964, as amended, and Nevada State Law.